

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**LINDA D. CRITES HERMAN,**

**Plaintiff,**

**vs.**

**Civil Action 2:10-cv-00570  
Judge John D. Holschuh  
Magistrate Judge E. A. Preston Deavers**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

**ORDER**

This matter is before the Court for consideration of the December 13, 2010 Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 13.) The Magistrate Judge, citing Plaintiff's failure to timely-file her Complaint, recommends that the Court grant Defendant's Motion to Dismiss Plaintiff's Complaint. (ECF No. 9).

The Report and Recommendation specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (December 13, 2010 Report and Recommendation 6, ECF No. 13.) The time period for filing objections to the Report and Recommendation has expired. Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the

Report and Recommendation. Accordingly, the Court **GRANTS** Defendant's Motion to Dismiss Plaintiff's Complaint (ECF No. 9).

The Clerk shall remove this case from the Court's pending cases list.

**IT IS SO ORDERED.**

Date: January 4, 2011

/s/ John D. Holschuh  
John D. Holschuh, Judge  
United States District Court